

# Order

Michigan Supreme Court  
Lansing, Michigan

December 27, 2005

129784

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

JAMES RICHARD GETMAN,  
Defendant-Appellant.

Clifford W. Taylor,  
Chief Justice

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

SC: 129784  
COA: 261626  
Calhoun CC: 03-000505-FH

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On order of the Court, the application for leave to appeal the October 14, 2005 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE the Calhoun Circuit Court's order of February 10, 2005, and REMAND this case to the Calhoun Circuit Court for consideration of the merits of defendant's motion for relief from judgment filed on December 13, 2004. Because the court did not rule on defendant's motion to withdraw guilty plea filed on August 24, 2004, or defendant's motion for relief from judgment filed on September 14, 2004, the Calhoun Circuit Court erred in dismissing defendant's motion for relief from judgment filed on December 13, 2004.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 27, 2005

*Corbin R. Davis*

Clerk